

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

HEATHER LOPER, on behalf of)		
herself and all others similarly situated)		
Plaintiff,)		
)	
)	
v.)		Case No. 2:19-cv-00583-CLM
)	
LIFEGUARD AMBULANCE)		
SERVICE, LLC)		
)	
Defendant.)		

PLAINTIFF’S MOTION FOR LEAVE TO FILE
FIRST AMENDED CLASS ACTION COMPLAINT

Plaintiff, Heather Loper, through undersigned counsel, on behalf of herself and a Proposed Class of those similarly situated, moves for leave to file a First Amended Class Action Complaint (“Amended Complaint”) pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) and this Court’s Order dated August 3, 2020 (Doc. 42).

1. Plaintiff filed this class action complaint initially in state court on March 12, 2019 and it was removed to this Court on April 17, 2019 (Doc. 1).
2. Plaintiff filed a Motion for Dismissal and a Motion for Remand to State Court on May 17, 2019. (Docs. 7 & 8)

3. Limited Discovery was undertaken to address those motions. (Doc. 24)

4. On January 10, 2020, the Court ruled upon the Motions (Docs. 7 & 8) and subsequently due to COVID-19 delays, the parties jointly sought an extension to comply with the Court's scheduling deadlines. See Doc. 41. The Court granted the requested extension, making the deadline to amend pleadings September 30, 2020. See Doc. 42. Accordingly, this motion and the attached first amended complaint is timely filed.

5. This motion is not intend to delay the prosecution of this action and will not prejudice the Defendant.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting Plaintiff leave to file the attached First Amended Class Action Complaint and deeming this First Amended Complaint filed as of the date of such Order.

CERTIFICATE OF CONFERRAL

I HEREBY CERTIFY that a good faith conference between the parties regarding the foregoing motion was held and counsel for Defendant was unable to consent to the relief sought herein.

Dated this 30th day of September 2020.

/s/ J. Parker Yates

J. PARKER YATES

Alabama Bar No: YAT010

Yates Law, LLC

3541 Springhill Road

Birmingham, AL 35223

205.705.4481
parker@jpyateslaw.com

/s/ Kristopher O. Anderson

KRISTOPHER O. ANDERSON

Alabama Bar No.: AND112
Clark Partington
4725 Main Street, Suite F-222
Orange Beach, Alabama 36561
(251) 245-8595
kanderson@clarkpartington.com

/s/ Jeff Mauro

JEFF MAURO

Alabama Bar No.: ASB-0478-u71j
Jeffrey P. Mauro, LLC
2100-B Southbridge Parkway
Suite 380
Birmingham, AL 35209
(205) 994-6384
jpm@jeffmaurollc.com
Attorney for Plaintiff

[The foregoing document was served by filing it with the court's electronic-filing system, hence no certificate of service is required pursuant to Fed.R.Civ. P. 5(d)(1)(B).]